



Paper 19

BRUCE S SHAPIRO-TW199
PATENT DEPARTMENT
THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD
TOWNSON MD 21286

COPY MAILED

MAR 10 2003

OFFICE OF PETITIONS

In re Application of

Mason

Application No. 09/461,265

Filed: 15 December, 1999

Attorney Docket No.: 0275S-500763

DECISION ON PETITION

This is the decision on the petition filed on 10 February, 2003, to revive the above-identified application under 37 C.F.R. §1.137(a).¹

The petition under 37 C.F.R. §1.137(a) is **GRANTED**.

BACKGROUND

The record indicates that:

- the application became abandoned for failure to reply timely and properly to the non-final Office action mailed on 7 May, 2002, and due absent extension of time on or before 7 August, 2002;
- the instant application was deemed abandoned after midnight 7 August, 2002;

¹ A Petition filed under the provisions of 37 C.F.R. §1.137(a) must be accompanied by:

(1) The required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application for patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

(2) the petition fee required by 37 C.F.R. §1.17(l);

(3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the reply due date until the filing of a grantable petition pursuant to the is paragraph was unavoidable; and

(4) Any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c).

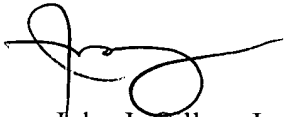
- Notice of Abandonment was mailed on 3 December, 2002;
- in a statement incorporated into and documentation accompanying the instant petition (with fee) alleges that the reply (Amendment) was timely mailed, and Petitioner supplied a copy of the transmittal form and amendment bearing a certificate of mailing dated 5 August, 2002;
- a copy of the required reply (Amendment) was submitted with the instant petition.

CONCLUSION

Therefore , the petition to revive under 37 C.F.R. §1.137(a) hereby is **granted**.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision may be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions